

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: 2008CA3718
	)	EEOC NO.: 21BA82374
<b>RONALD H. ST. CLAIR,</b>	)	ALS NO.: 09-0398
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Gregory Simoncini presiding, upon Ronald H. St. Clair's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2008CA3718; and the Commission having reviewed *de novo* the Respondent's investigation file, including the Investigation Report and the Petitioner's Request, and the Respondent's response to the Petitioner's Request; and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

**LACK OF SUBSTANTIAL EVIDENCE**

In support of which determination the Commission states the following findings of fact and reasons:

1. On June 27, 2008, the Petitioner filed a six-count (Counts A-F) charge of discrimination with the Respondent in which he alleged that the Board of Education of the City of Chicago ("Employer"), violated § 2-102(A) of the Illinois Human Rights Act (the "Act"). Specifically, the Petitioner alleged the Employer subjected him to harassment on January 16, 2008, because of his race, Black (Count A), his age, 59 (Count B), and his sex, male (Count C). He further alleged the Employer discharged him on January 16, 2008, because of his race (Count D), age (Count E), and his sex (Count F). On June 22, 2009, the Respondent dismissed the charge for lack of substantial evidence of discrimination. The Petitioner filed a timely Request on July 27, 2009.
2. The undisputed evidence in the investigation file shows that in 2007, the Employer hired the Petitioner as a "day-to-day" substitute teacher.
3. On January 16, 2008, the Petitioner was assigned to work at the Randolph Elementary School. He was assigned a classroom. Michelle Smith was the Principal at Randolph, and Alice Patterson was the Assistant Principal.

---

<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

4. On January 16, 2008, a student reported to Assistant Principal Patterson that the Petitioner had used corporal punishment against him, in that the Petitioner had allegedly pushed the student and caused the student to hurt his head. Principal Smith interviewed three other students, who each corroborated the injured student's version of events.
5. Thereafter, and pursuant to its policy, the Employer attempted to contact the injured student's mother via telephone, but was unsuccessful. A Parent Advocate was sent to locate the injured student's mother and to inform her of the incident. The Parent Advocate located the injured student's mother.
6. The injured student's mother came to Randolph Elementary School and informed Principal Smith that she wanted to press charges against the Petitioner. Using the Employer's telephone, the injured student's mother called the Chicago Police Department. Police officers came to Randolph and arrested the Petitioner. The Petitioner was charged with misdemeanor battery, and was released from police custody that same evening, on January 16, 2008.
7. The Petitioner appeared in court on May 23, 2008. The judge dismissed the case because neither the Employer, nor anyone on behalf of the injured student, appeared in court.
8. Since January 16, 2008, the Petitioner has continued to work periodically as a substitute teacher for the Employer. The Petitioner's personnel file indicated that his payroll status with the Employer as of July 1, 2008, was "active." The Employer issued the Petitioner a paycheck for the payroll period of November 23, 2008 through December 6, 2008.
9. The Petitioner alleged in his charge that Principal Smith harassed him because of his sex, race and age by accusing him of pushing a child, by threatening to have him arrested, and then by having him arrested on school premises. He further alleged that on January 16, 2008, Principal Smith discharged him because of his sex, race and age.
10. The Petitioner alleges in his Request that the Respondent's investigation was unprofessional and deficient, that Principal Smith does not respect him because he is a Black male, and that the classroom to which he was assigned on January 16, 2008, was hostile, which fact could have been allegedly corroborated by a white female substitute teacher.
11. In its response, the Respondent asks the Commission to sustain its dismissal for lack of substantial evidence. The Respondent argues there is no substantial evidence the Employer caused the Petitioner to be arrested or discharged. Further, even if there were evidence the Petitioner was discharged because of the January 16, 2008, incident, there is no substantial evidence the Petitioner was treated less favorably than similarly situated

younger, female, non-Black teachers accused of using corporal punishment against a student.

## **Conclusion**

The Commission's review of the Respondent's investigation file leads it to conclude the Respondent properly dismissed all counts of the charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D).

First, the Petitioner's harassment claims in Counts A-C must fail because there is no evidence the Employer, via Principal Smith, took any unlawful action or made false accusations against the Petitioner. Upon receiving a complaint that the Petitioner had pushed and injured a student, the Employer acted in accordance with its policy to contact the student's parent or guardian and to inform her of the incident. The undisputed evidence in the file shows that thereafter, it was the injured student's mother who called the police and caused the Petitioner to be arrested on the charge of battery against her son.

Second, the Petitioner's discriminatory discharge claims in Counts D-F must fail because there is no substantial evidence the Employer discharged him as a result of the January 16, 2008 incident. Undisputed evidence in the file shows the Employer continued to employ the Petitioner as a substitute teacher for almost one year after the incident occurred.

Further, even if there were substantial evidence the Petitioner had been discharged, there is no substantial evidence the Employer treated him less favorably than similarly situated teachers outside of his protected classes. The evidence demonstrated that from April 2007 through March 2008 the Employer discharged 14 teachers accused of corporal punishment, including six (6) non-Black teachers, nine (9) female teachers, and four (4) teachers under the age of 40.

Finally, there is no evidence in the file the Respondent conducted its investigation in an improper or incomplete manner.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

## **THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights,

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

Page 4 of 4

*In the Matter of the Request for Review by: Ronald St. Clair*

and the Board of Education of the City of Chicago, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

<b>STATE OF ILLINOIS</b>	)	
	)	<b>Entered this 27<sup>th</sup> day of January 2010.</b>
<b>HUMAN RIGHTS COMMISSION</b>	)	

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini